

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Zahmeil S. Washington-Skele

Write the full name of each plaintiff.

18CV7431
No.

(To be filled out by Clerk's Office)

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
AUG 14 2018
CLERK'S OFFICE

-against-

New York Police Department
New York Supreme Court
Norman P. Bock esq

COMPLAINT
(Prisoner)

Do you want a jury trial?
 Yes No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-14-18

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other:

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Zahmeil

First Name

D

Middle Initial

Washington-Steele

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

9901800002

Prisoner ID # (If you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

GRVC

Current Place of Detention

09-09 Hazen Street

Institutional Address

East Elmhurst

County, City

NY

State

11370

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced prisoner
- Other: Regular Detainee

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

<u>John</u>	<u>Doe</u>	<u>Shield #</u>
First Name	Last Name	
<u>New York Police Department</u>		
<u>Current Job Title (or other identifying information)</u>		
<u>New York City</u>		
<u>Current Work Address</u>		
<u>New York</u>	<u>NY</u>	<u>10001</u>
County, City	State	Zip Code

Defendant 2:

<u>John</u>	<u>Doe</u>	<u>Shield #</u>
First Name	Last Name	
<u>New York Supreme Court</u>		
<u>Current Job Title (or other identifying information)</u>		
<u>100 Centre Street</u>		
<u>Current Work Address</u>		
<u>New York</u>	<u>NY</u>	<u>10013</u>
County, City	State	Zip Code

Defendant 3:

<u>Norman</u>	<u>Bock</u>	<u>Shield #</u>
First Name	Last Name	
<u>Criminal Defense Attorney</u>		
<u>Current Job Title (or other identifying information)</u>		
<u>306 Broadway 7th Floor</u>		
<u>Current Work Address</u>		
<u>New York</u>	<u>NY</u>	<u>10007</u>
County, City	State	Zip Code

Defendant 4:

<u>First Name</u>	<u>Last Name</u>	<u>Shield #</u>
<u>Current Job Title (or other identifying information)</u>		
<u>Current Work Address</u>		
<u>County, City</u>	<u>State</u>	<u>Zip Code</u>

V. STATEMENT OF CLAIM

Place(s) of occurrence: New York City

Date(s) of occurrence: 10-1-17 to present

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

~~See the Attach Additional Pages!!!~~

Facts:

1.

8-3-18

I Zahmeil Washington-Steele have been accused of Attempted murder in the First degree and robbery in the First degree. I have been incarcerated since October 3rd 2017. The crime that I allegedly committed happened on September 29th 2017. My Federal and New York State Constitutional rights and Due Process have been and still are being violated. When I was taken into custody on October 3rd 2017 at approximately 5:35 am at my residence (316 West 95th St NY, NY 10025) I was picked up on a I-card. The arresting officer did not have an arrest warrant therefore I was in violation of my Fourth, Fifth, Sixth, and Fourteenth Amendment. I was taken involuntarily, handcuffed and transported to the 28th precinct for questioning and held in a barred cell for over five hours before my rights were read to me. Before I was interrogated and before I was placed into a identification line-up which turned into a De Facto arrest. 72 hours earlier my picture was placed in a photographic array. Which is noted in my discovery several times that (On October 1st 2017 the complaint was unable to pick out anyone in the photo-array which includes the defendant.) The fact that the complained could not pick out the accuser that allegedly assaulted the complained NYPD was not supposed

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to go any further with the case/investigation until they sound the right accuser which they did not do and violated my constitutional rights as well as the "oath of office". Everything else that was conducted and done after that was unreliable, unreasonable, unfairly, unlawful, and suggestive. Which is also a violation of my constitutional rights and violation of my Due Process. Me and my family were disturb at approximately 5:35 am by excessive banging on my apartment door by the "Warrant Squad" which I was told that they wanted to question me concerning a stabbing. "That I was not arrested" There was a I-card for me and I was needed for questioning. I had not given any suspicious behavior at approximately 5:35 AM to be a questionable suspect of committing any crimes. I was sleeping in my bed when I was disturb. A proper temporary detention is one where a reasonable, INNOCENT person reason would understand that he was being briefly detained in order to quickly obtain information either confirming or dispelling the officers suspicion. Where an individual is suspected of crimes that occurred not minutes or hours earlier, but days or weeks earlier the police are unlikely

3.

to be able to carry out the type of procedures approved in people v Hicks. that is, a brief transport to a nearby site for a speedy procedure to confirm or dispel suspicion, since the victims are unlikely to be nearby to make a speedy identification of the suspected perpetrator. which should take no more than 10, 20, or 30 minutes. The police held me and interrogated me at the police station for more than 12 hours was unlawful when based on absence of probable cause. As a police officer they have enormous responsibility to enforce the law, to give people orders and instructions that help to serve the community, to maintain order, and to protect the constitutional rights of citizens. During their initial training they took an oath "of office during which they promised to uphold the constitution of the United States as well as the constitution of New York and pledged to faithfully discharge their duties as a New York City police officer. Arrest and full search situations must be based on a standard of proof, or level of information, known as probable cause. The Fourth Amendment to the U.S. Constitution provides: the right of the people to be

4.

secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized." Thus, the Fourth Amendment applies to searches and seizures of property and persons. Its purpose is to guarantee against unreasonable governmental intrusions. The large majority of Fourth Amendment issues that arise are based on the reasonableness of searches and seizure. Article I, section 12 of the New York State constitution also prohibits unreasonable searches and seizures. Probable cause consists of facts and circumstances within the arresting officer's knowledge and of which he or she has reasonably trustworthy information that would warrant a person of reasonable caution to believe that an offense is being or has been committed and that the person to be arrested committed it. A police officer must be able to articulate facts that support a finding of probable cause. In an effort to deter unlawful or improper police conduct, the US Supreme

5.

Court created the Exclusionary Rule (Weeks v. U.S. 1914). The Exclusionary Rule was applied to the states in 1961 in the case of Mapp v Ohio. Basically the rule provides that evidence obtained by violating the defendants Fourth Amendment rights may not be introduced at trial by the prosecution for the purpose of providing proof of the defendants guilt. The "suppressed" or inadmissible, evidence limits the prosecution's ability to obtain a conviction. Additionally and importantly, improper police activity can result in disciplinary action or civil and or criminal liability upon the officer. I was deprived the right to go to the grand jury. The Attorney that was assigned to my case at that time of my grand jury violated my rights, by illegally waiving my rights to go before the grand jury without my consent. I never signed any documentation agreeing to my rights being waived, nor was I brought in front of a judge for he/she to tell me the rights and wrongs of me waiving my right to be brought before the grand jury. All evidence that was obtain, was obtain illegally including my D.N.A. (buccal swab) The court pressured me into giving a buccal swab for DNA testing, incorrectly advised me saying that I had

6.

no arguments against the prosecutor's untimely discovery. IN CPL 240.90 A motion by a prosecutor for discovery shall be made within forty-five days after arraignment. Which the prosecutor missed by 149 days, I was brought in front for arraignments on November 2nd 2017 and the DNA test was ordered march 1st 2018. Which is unlawful and a violation of my rights. The people are relying on hear-say and have no strong evidence proving that I committed any of these crimes. I will not stop until I get justice in court because I know that I am not the only person that have been or still are being deprived and have their constitutional rights violated by NYPD and or New York courts.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Pain and suffering, mentality depressed
traumatize/torture

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I want \$750,000 for miscellaneous
prosecution & discrimination & violation
of my constitutional rights And I want
my case dismissed on the grounds of
my Fourth Amendments being violated
and police misconduct.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

8-3-18

Dated

Zahmeil

J

Zahmeil W Steele

Plaintiff's Signature

Washington - Steele

First Name

Middle Initial

Last Name

09-09 hazen street

Prison Address

East Elmhurst

County, City

NY

State

11320

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

8-3-18

Neil Washington Case 1:18-cv-07431-RA Document 10780 Filed 02/01/18 Page 2 of 2
haZen Street
Elmhurst, NY 11370
RECEIVED
COURT DOCKET UNIT

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3:54

Pro Se Intake Unit
500 Pearl Street
New York NY 10007

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el mail